

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND  
IRBESARTAN PRODUCTS LIABILITY  
LITIGATION

No. 1:19-md-2875-RBK  
Hon. Robert Kugler

**Plaintiffs' Motion for Class Certification**

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION OF  
CONSUMER, THIRD PARTY PAYOR, AND MEDICAL MONITORING CLAIMS**

COME NOW, the Consumer<sup>1</sup> Economic Loss ("EL") Plaintiffs, the Third Party Payor<sup>2</sup> Economic Loss ("TPP Econ Loss") Plaintiffs, and the Medical Monitoring<sup>3</sup> ("MM") Plaintiffs, who file this Motion for Class Certification pursuant to Fed. R. Civ. P. 23(a), (b)(3), and (g).

Plaintiffs respectfully request that the Court certify the Classes set forth in Exhibit A (Consumer Economic Loss), Exhibit B (Third Party Payor Economic Loss) and Exhibit C (Medical Monitoring), pursuant to Fed. R. Civ. P. 23(a) and (b)(3).

---

<sup>1</sup> The Consumer Economic Loss Plaintiffs are Plaintiffs Asha Lamy, Sandra Kelly, Evelyn Rice, Jay Meader, Mark Hays, Charlie Johnston, Merilyn Andre, Peter O'Brien, Ron Molinaro, Estate of Elenora Deutenberg, Lubertha Powell, Lawrence Edwards, Marlin Anderson, Georgia Fatigato, Leland Gildner, Brian Wineinger, Raleigh Wolfe, Joseph Kessinger, Glenda Cooper, Sandy Bell, Talsie Neal, Linda Crocker, Veronica Longwell, Jennifer Johnson, Flora McGilvery, Marzanna Glab, Antoinette Sims, James Lawson, James Childs, Radhakrishna Shetty, Billy Joe Bruner, Alphonse Borkowski, Joseph Caccio, John Duffy, Gerald Nelson, Gary Burnett, Miranda Dudley, Dennis Kaplan, Lawrence Semmel, Eric Erwin, Jynona Gail Lee, Brittney Means, Samuel Cisneros, Cheryl Mullins, Robin Roberts, and Mary McLean.

<sup>2</sup> The TPP Plaintiffs are: MSP Recovery Claims, Series, LLC and Maine Automobile Dealers Association, Inc. Insurance Trust.

<sup>3</sup> The Medical Monitoring Plaintiffs are John Judson, Sarah Zehr, Robert Kruk, Michael Rives, Robert Fields, Celestine Daring, Josephine Bell, Valerie Rodich-Annese, Roger Tasker, Kenneth Berkson, Richard O'Neill, Jo Ann Hamel, Paulette Silberman, and Sylvia Cotton.

Plaintiffs further request the Court appoint the following Class Counsel pursuant to Fed. R. Civ. P. 23(g):

**Consumer Economic Loss:** Ruben Honik, Conlee S. Whiteley and John R. Davis

**Third Party Payor Economic Loss:** Gregory Hansel and Jorge Mestre

**Medical Monitoring:** Rachel Geman and Nicholas Migliaccio

For the reasons explained in the Plaintiffs' respective memoranda and declarations in support of this motion, filed contemporaneously herewith, certification of the above-described Classes is appropriate because, for each: "(1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims . . . of the representative parties are typical of the claims . . . of the class; and (4) the representative parties will fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a).

Moreover, the proposed Class Counsel, who have handled all aspects of this matter since its inception, have demonstrated the background, experience, resources, and commitment to handle this matter through its conclusion. Fed. R. Civ. P. 23(g).

WHEREFORE, and for the reasons set forth in the contemporaneously filed briefs and supporting declarations, Plaintiffs respectfully request that the Court certify the above-referenced Classes.

Dated: November 10, 2021

/s/ Ruben Honik  
Ruben Honik  
**HONIK LLC**  
1515 Market Street, Suite 1100  
Philadelphia, PA 19102  
Phone: (267) 435-1300  
ruben@honiklaw.com

/s/ Adam Slater  
Adam Slater  
**MAZIE, SLATER, KATZ & FREEMAN, LLC**  
103 Eisenhower Pkwy, 2nd Flr.  
Roseland, NJ 07068  
Phone: (973) 228-9898  
aslater@mazieslater.com

***MDL Plaintiffs' Co-Lead Counsel***

Respectfully submitted,

/s/ Daniel Nigh  
Daniel Nigh  
**LEVIN, PAPANTONIO, THOMAS, MITCHELL RAFFERTY & PROCTOR, P.A.**  
316 South Baylen Street  
Pensacola, FL 32502  
Phone: (850) 435-7013  
dnigh@levinlaw.com

/s/ Conlee S. Whiteley  
Conlee S. Whiteley  
**KANNER & WHITELEY, LLC**  
701 Camp Street  
New Orleans, LA 70130  
Phone: (504)-524-5777  
c.whiteley@kanner-law.com

/s/ Ruben Honik

Ruben Honik  
**HONIK LLC**  
1515 Market Street, Suite 1100  
Philadelphia, PA 19102  
Phone: (267) 435-1300  
ruben@honiklaw.com

/s/ Conlee S. Whiteley

Conlee S. Whiteley  
David J. Stanoch  
Layne C. Hilton  
**KANNER & WHITELEY, LLC**  
701 Camp Street  
New Orleans, LA 70130  
Phone: (504)-524-5777  
c.whiteley@kanner-law.com

/s/ John R. Davis

John R. Davis  
**SLACK DAVIS SANGER, LLP**  
6001 Bold Ruler Way, Suite 100  
Austin, TX 78746  
Tel.: 512-795-8686  
Fax: 512-795-8787  
jdavis@slackdavis.com

*Proposed Consumer Economic Loss Co-Lead Class Counsel*

/s/ Jorge Mestre

Jorge Mestre  
**RIVERO MESTRE LLP**  
2525 Ponce de Leon Blvd., Suite 1000  
Miami, FL 33134  
Phone (305) 445-2500  
ariveros@riveromestre.com

/s/ Gregory P. Hansel

Gregory P. Hansel  
**PRETI, FLAHERTY, BELIVEAU & PACHIOS, CHARTERED, LLP**  
One City Center  
P.O. Box 9546  
Portland, ME 04112  
Phone: (207) 791-3000  
ghansel@preti.com

*Proposed Third Party Payor Economic Loss Co-Lead Class Counsel*

/s/ Nicholas Migliaccio

Nicholas Migliaccio  
nmigliaccio@classlawdc.com  
Jason Rathod  
jrathod@classlawdc.com  
Mark Patronella  
mpatronella@classlawdc.com  
**MIGLIACCIO & RATHOD LLP**  
412 H Street NE, Suite 302  
Washington, DC 20002  
Telephone: (202) 470-3520  
Facsimile: (202) 800-2730

/s/ Rachel Geman

Rachel Geman  
rgeman@lchb.com  
Kartik S. Madiraju  
kmadiraju@lchb.com  
**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**  
250 Hudson Street, 8<sup>th</sup> Floor  
New York, NY 10013-1413  
Telephone: (212) 355-9500  
Facsimile: (212) 355-9592

***Proposed Medical Monitoring Co-Lead Class Counsel***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of November, 2021, I caused a true and correct copy of the foregoing to be filed and served upon all counsel of record by operation of the Court's CM/ECF system.

*/s/ David J. Stanoch*

David J. Stanoch